

Notice of Allowability

Application No.

09/470,058

Examiner

Abdulhakim Nobahar

Applicant(s)

WELBORN ET AL.

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11 November 2004.
2. ☒ The allowed claim(s) is/are 38-49.
3. ☒ The drawings filed on 22 December 1999 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION
EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Ken Ouchi, the applicants' agent, on February 25, 2005 and a faxed agreement signed by both applicants.

The application has been amended as follows:

1. Cancel claims 18-37.
2. Replace claims 38-49 with the following claims:
 38. A computer user behavior modification method for avoiding computer viruses in an electronic messaging system with users wherein a list of users who activate a mock computer virus is created, comprising:
 - sending a user a message with a mock computer virus;
 - adding the user's identifier to the list of users who activate a mock computer virus when the user activates the mock computer virus; and

using the list of users who activate a mock computer virus to identify computer users whose behavior needs to be modified to avoid activating real computer viruses.

39. The computer user behavior modification method for avoiding computer viruses of claim 38, wherein the mock computer virus displays a message to the user when the mock computer virus is activated.
40. The computer user behavior modification method for avoiding computer viruses of claim 38, wherein the list of users who activate a mock computer virus is used to measure the behavior of computer users to avoid computer viruses.
41. The computer user behavior modification method for avoiding computer viruses of claim 38, wherein a user who did not activate the mock computer virus and is not on the list of users who activate a mock computer virus is rewarded.
42. A method for creating a list of electronic message system users whose behavior may activate a computer virus in an electronic message system with users, comprising:
 - sending a mock computer virus in an electronic message to a user;
 - adding the user to the list of electronic message system users whose behavior may activate a computer virus when the user activates the mock virus;
 - and
 - using the list of electronic message users whose behavior may activate a computer virus to identify users whose behavior may activate a real computer virus.

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43. The method for creating a list of electronic message system users whose behavior may activate a computer virus of claim 42, wherein the mock computer virus displays a message when a user activates the mock computer virus.
44. The method for creating a list of electronic message system users whose behavior may activate a computer virus of claim 42, wherein the list of electronic message system users whose behavior may activate a computer virus is used to measure the behavior of users who may activate a real computer virus.
45. The method for creating a list of electronic message system users whose behavior may activate a computer virus of claim 42, wherein a user who does not activate the mock computer virus and is not on the list of electronic message system users whose behavior may activate a computer virus is rewarded.
46. A method for creating a list of electronic message system users who activate a mock computer virus in an electronic message system with users, comprising:
 - sending an electronic message with a mock computer virus to a user;
 - adding the user to the list of electronic message system users who activate a mock computer virus when the user activates the mock computer virus; and
 - using the list of electronic message system users who activate a mock computer virus to identify users whose behavior may activate a real computer virus.

47. The method for creating a list of electronic message system users who activate a mock computer virus of claim 46, wherein the mock computer virus displays a message when the user activates the mock computer virus.
48. The method for creating a list of electronic message system users who activate a mock computer virus of claim 46, wherein the list of electronic message system users who activate a mock computer virus is used to measure the behavior of users to activate computer viruses.
49. The method for creating a list of electronic message system users who activate a mock computer virus of claim 46, wherein a user who does not activate the mock computer virus and is not on the list of electronic message system users who activate a mock computer virus is rewarded.

3. The following is an examiner's statement of reasons for allowance:

The primary reasons for the allowance of the independent claims 38, 42 and 46 are the inclusion of the following limitations that are not found in the prior art and they are uniquely distinct features. The closest prior art are Venkatraman et al. (6,014,688; hereinafter Venkatraman) and Donoho et al. (6,256,664 B1; hereinafter Donoho). Venkatraman discloses an E-mail message enhancement apparatus which is preferably implemented through a sequence of program instructions and achieved as attachments to e-mail message. Furthermore, Venkatraman discloses that in the E-mail message, attachments, header information including the E-mail address of the sender and the recipient, and executable embedded software are included. Donoho

discloses a method that allows information providers to broadcast information to a population of information consumers. The information may be targeted to those consumers who have a precisely formulated need for the information. However, these two arts, singularly or in combination, fail to anticipate or render the following limitations:

“Claim 38: using the list of users who activate a mock computer virus to identify computer users whose behavior needs to be modified to avoid activating real computer viruses.”

“Claim 42: adding the user to the list of electronic message system users whose behavior may activate a computer virus when the user activates the mock virus;
and
using the list of electronic message users whose behavior may activate a computer virus to identify users whose behavior may activate a real computer virus.”

“Claim 46: adding the user to the list of electronic message system users who activate a mock computer virus when the user activates the mock computer virus; and
using the list of electronic message system users who activate a mock computer virus to identify users whose behavior may activate a real computer virus.”

4. The dependent claims 39-41, 43-45 and 47-49 are allowed because they were originally found to include a unique feature not found in the closest abovementioned art.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdulhakim Nobahar whose telephone number is 571-272-3808. The examiner can normally be reached on M-T 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Examiner
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A.N.

March 1, 2005

Gilberto Barron Jr.

GILBERTO BARRON JR.
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